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U.S. Nuclear Regulatory Commission
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Virgil C. Summer Nuclear Station (VCSNS) Units 2 & 3
Combined License (COL) Nos. NPF-93 and NPF-94
Docket Nos. 52-027 & 52-028

Subject: Response to South Carolina Electric & Gas Company (SCE&G) Request for
Withdrawal of VCSNS Unit 2&3 COLs

- References:
1. Letter from Jeffrey B. Archie to NRC, V.C. Summer, Units 2 and 3 – Notification of Termination of Project Construction, dated August 17, 2017 (ML17229B487)
 2. Letter from Jeffrey B. Archie to NRC, V.C. Summer Units 2 and 3 – SCE&G Request for Withdrawal of VCSNS Unit 2 & 3 COLs, dated December 27, 2017 (ML 17361A088)

This letter is written in response to SCE&G's Request for Withdrawal of VCSNS Unit 2&3 COLs, dated December 27, 2017. The South Carolina Public Service Authority (the Authority) is the co-owner and co-licensee of these VCSNS Units with SCE&G, and NRC regulations require the Authority's consent in order for the NRC to terminate (withdraw) the VCSNS Unit 2 & 3 COLs. The Authority requests that for the reasons stated below, the NRC hold SCE&G's request in abeyance pending the Authority's determination of whether to accept transfer of SCE&G's partial ownership of the COLs.

The Authority understands that SCE&G has terminated its further participation in the design and construction of the VCSNS Units 2 & 3. To this end, SCE&G's most recent letter requests the "withdrawal" of the COLs for Units 2 & 3. Withdrawal of a granted license, however, is not contemplated by the NRC's regulations.¹ Rather, the NRC's regulations allow only for termination of an active power reactor license pursuant to the provisions of 10 C.F.R. § 50.82. Thus, the Commission should interpret SCE&G's request as a unilateral request to terminate the VCSNS Units 2 & 3 COLs pursuant to these to 10 C.F.R. § 50.82.

¹ The NRC's regulations do contemplate withdrawal of a license application under review before the Commission. See 10 C.F.R. § 2.107.

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Unilateral termination of an active power reactor license where there is a co-licensee is not permitted by the NRC's regulations. To the contrary, 10 C.F.R. § 50.82(a)(9) requires that *all* power reactor licensees must submit an application for termination of a license. *See also In the Matter of Yankee Atomic Electric Company*, 60 N.R.C. 539; 2004 NRC LEXIS 246 (2004). As co-owner and co-licensee of the units, the Authority must consent to the termination of the Unit 2 & 3 COLs. By this letter, the Authority notifies the NRC that it does not consent to the termination of the Unit 2 & 3 COLs at this time.

The Authority is currently in the process of determining whether the transfer of SCE&G's interest in the Unit 2 & 3 COLs to itself is in the best interest of its customers. Unless and until that determination is made by the Authority's Board of Directors, the Authority cannot agree to the termination of the Unit 2 & 3 COLs.

For the foregoing reasons, the Authority respectfully requests that the NRC hold in abeyance any action on SCE&G's request to terminate the Unit 2 & 3 COLs for 180 days or until such time that the Authority can complete its evaluation.

If you have any questions regarding this request, please contact me at (843) 761-7081 or via e-mail at michael.crosby@santeecooper.com

Sincerely,



Michael Crosby

cc: Jim E. Brogdon
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